## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

KAISHA MURPHY and SHANA-KAY MCDOUGALL, on behalf of themselves and those similarly situated	) ) ) )
Plaintiffs, v.	) ) Case No. 1:17-cv-1033 (SMG)
HEARTSHARE HUMAN SERVICES OF NEW YORK, and HEARTSHARE EDUCATION CENTER	) ) <u>DECLARATION OF WALKER G</u> ) <u>HARMAN, JR.</u>
Defendants.	) ) )

Pursuant to 28 U.S.C. § 1746, I, Walker G. Harman, Jr., an attorney admitted to practice in the United States District Court of the Eastern District of New York, declare under penalty of perjury:

- 1. I am an attorney of record for the Plaintiff's class in this action. This Declaration is based upon my personal knowledge of the facts contained herein, as well as my knowledge as Plaintiffs' attorney.
- 2. I submit this Declaration in support of the fee allocation provided for Plaintiffs' counsel in the Settlement Agreement in this action.
  - 3. Plaintiffs filed the Complaint in this action on February 23, 2017.
- 4. Defendants Heartshare Human Services of New York and Heartshare Education Center moved to dismiss the Complaint on March 29, 2017.
- Defendants' motion was denied in a hearing before Judge Weinstein on May 24,
   2017.

- 6. The parties then, over a period of several weeks, engaged in settlement negotiations, and, on August 29, 2017, jointly moved for class certification and approval of the proposed Settlement Agreement.
  - 7. The Court then approved the parties' motion on September 11, 2017
- 8. As part of the Settlement Agreement, Plaintiff's counsel seeks fees of \$32,294.33, in addition to the settlement distribution of \$107,647.77 to class members, resulting in a total settlement amount of \$139,942.10.
- 9. This represents approximately twenty-three percent of the total settlement amount, below what is called for by Plaintiffs' retainer agreement.
- 10. Plaintiffs' counsel has accrued \$\_\_\_\_ in attorneys' fees and incurred \$400.00 in costs. Together, Plaintiffs' attorneys' fees and costs total \$\_. A calculation of Plaintiffs' attorneys' fees is attached hereto as Exhibit A.
  - 11. Plaintiffs' counsel's costs represent the \$400.00 filing fee in this action
- 12. For approximately 14 years, I have been the principal attorney at The Harman Firm, LLP (the "Firm"), a law firm focusing primarily on plaintiffs'-side employment law.
- I received a bachelor's degree from Marymount Manhattan College in 1993 and aJ.D. from Fordham University School of Law in 1999.
  - 14. I began my legal career as an associate at Dickstein Shapiro LLP in 1999.
- 15. In 2003, I left Dickstein Shapiro LLP to found the Firm and have been the principal attorney at the Firm since its inception.
- 16. I am admitted to practice in the New York State Courts; the U.S. District Courts for the Southern District of New York, the Eastern District of New York, the Northern District of Texas, and the District of Colorado; and the U.S. Court of Appeals for the Second Circuit.

- 17. Over the course of my career, I have represented employees in hundreds of cases, including complex class and collective actions, brought under various federal, state, and city anti-discrimination and wage-and-hour statutes.
  - 18. Owen H. Laird is an associate attorney at the Firm.
- 19. Mr. Laird received a bachelor's degree from Carleton College in 2006 and a J.D. from the Benjamin N. Cardozo School of Law in 2012.
  - 20. Mr. Laird has been an associate at the Firm since 2014.
- 21. Mr. Laird is admitted to practice in New York State Court and the U.S. District Courts for the Southern District of New York, the Eastern District of New York, and the District of Colorado.
- 22. Mr. Laird has represented employees in over a hundred cases brought under federal, state, and city anti-discrimination, wage-and-hour, and whistleblowing statutes from pleadings until trial.
  - 23. Edgar M. Rivera is an associate attorney at the Firm.
- 24. Mr. Rivera received a bachelor's degree from Fordham University in 2011 and a J.D. from Fordham University School of Law in 2014.
  - 25. Mr. Rivera has been an associate at the Firm since 2014.
- 26. Mr. Rivera is admitted to practice in the New York and New Jersey State Courts and the U.S. District Courts for the Southern District of New York, the Eastern District of New York, the District of New Jersey, and the District of Colorado.
- 27. Mr. Rivera has represented employees in dozens of cases brought under federal, state, and city anti-discrimination, wage-and-hour, and whistleblowing statutes from pleadings until trial.

28. Lev Craig is the senior paralegal at the Firm.

29. Mr. Craig received a bachelor's degree from Harvard University in May 2016.

30. Mr. Craig has worked as a paralegal at the Firm since June 2016, during which time he has worked on numerous cases brought under federal, state, and city anti-discrimination and wage-and-hour statutes.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York January 19, 2018

> s/ Walker G. Harman, Jr. Walker G. Harman, Jr.